

REMARKS

Claims 1-3, 5, 6, 8-13, 15, 16, and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number 6,714,952 to Dunham et al. (hereinafter “Dunham”).

Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunham in view of Derek Gamradt, “Backup without disruption: LAN-free, server-free SAN backup avoids disrupting business” (hereinafter “Gamradt”).

Applicants request that the amendment of claim 1 with the limitations of claim 8, the amendment of claim 13 with the limitations of claim 18, and the cancellation of claims 8 and 18 be allowed. Please also allow the amendment of claims 9 and 19 so that they depend from pending claims. The amendments add no new material and put the application in condition for allowance.

Response to rejections of claims under 35 U.S.C. § 102.

Claims 1-3, 5, 6, 8-13, 15, 16, and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dunham. Applicants respectfully traverse this rejection.

Applicants have amended claims 1 and 13 with the limitations of claims 8 and 18 respectively. The amendments add no new material to the claims. As amended, claims 1 and 13 include the limitation “...wherein said master restore table is identified by an associated token and a client system participating in a restore gains access to said master restore table by use of said token...” Claim 1 as amended. See also claim 13 as amended.

Thus the present invention claims *client systems accessing a master restore file by use of a token that identifies the master restore table*. The token may allow the table to be located and accessed by clients in addition to access by the storage management server. Page 7, Line 160 – Page 8, Line 166.

In contrast, Dunham does not teach client systems accessing a master restore file by use of a token that identifies the master restore table (catalog, Dunham, Fig. 2, Ref. 32). Instead, Dunham discloses identifying backup files with one or more file names. Dunham, Col. 5, Line 63 – Col. 6, Line 11. However, Dunham does not require or employ a token to identify and/or access the master restore file as only the storage management server (backup/restore server, Dunham, Figs. 1 and 2, Ref 30) has access to the master restore table (catalog, Dunham, Fig. 2, Ref. 32).

Because Dunham does not disclose client systems accessing a master restore file by use of a token that identifies the master restore table, Applicants submit that Dunham does not include all of the limitations of claims 1 and 13 and that claims 1 and 13 are therefore allowable. Applicants further submit that claims 2, 3, 5, 6, 9-12, 15, 16, 19, and 20 are allowable as depending from allowable claims. Claims 8 and 18 are canceled.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunham in view of Gamradt. Applicants respectfully traverse this rejection.

Applicants assert that the teaching or suggestion to combine the teaching of restoring data in a network with a plurality of clients of Dunham and the LAN-free, server-free SAN backup of Gamradt can only be found in the Applicant's disclosure. It is "impermissible to use the claims as a frame and the prior art references as a mosaic to piece together a facsimile of the claimed invention." *Uniroyal v. Rudkin-Wiley*, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988) (citing *W. L. Gore & Associates v. Garlock, Inc.*, 220 USPQ 303, 312). Absent a teaching or suggestion to combine in Dunham and Gamradt, Applicants assert that claims 7 and 17 cannot be unpatentable over Dunham in view of Gamradt and are allowable. Applicants further submit that claims 7 and 17 are allowable as depending from allowable claims.

As a result of the presented remarks, Applicants assert that claims 1-3, 5-7, 9-13, 15-17, 19, and 20 are in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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